

Krista Enns (SBN: 206430)
Benesch, Friedlander, Coplan & Aronoff LLP
100 Pine Street, Suite 100
San Francisco, CA 94111
Telephone: 628-600-2241
kenns@beneschlaw.com

Michael Dominic Meuti (SBN: 227939)
Benesch, Friedlander, Coplan & Aronoff LLP
200 Public Square, Suite 2300
Cleveland, OH 44114-2378
Telephone: 216.363.4500
Facsimile: 216.363.4588
mmeuti@beneschlaw.com

Erin N. Baldwin (*Pro Hac Vice forthcoming*)
Benesch, Friedlander, Coplan & Aronoff LLP
41 South High Street, Suite 2600
Columbus, OH 43215-6164
Telephone: 614.223.9300
Facsimile: 614.223.9330
enbaldwin@beneschlaw.com

*Attorneys for Defendants SmileDirectClub, Inc.,
SmileDirectClub, LLC., and Jeffrey Sulitzer*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO/OAKLAND DIVISION**

ARNOLD NAVARRO, *on behalf of himself
and others similarly situated*

Plaintiff,

v.

SMILEDIRECTCLUB, INC.;
SMILEDIRECTCLUB, LLC;
JEFFREY SULITZER; DOES 1-10

Defendants.

CASE NO. 3:22-CV-00095-WHO

**DECLARATION OF JEFFREY
SULITZER IN SUPPORT OF
DEFENDANTS' OPPOSITION TO
MOTION TO REMAND**

Date:
Time:
Place:
Judge: March 30, 2022
2 p.m.
Courtroom 2 - 17th Floor
Hon. William H. Orrick

DECLARATION OF JEFFREY SULITZER:

I, Jeffrey Sulitzer, declare as follows:

1. I am the Chief Clinical Officer of Defendant SmileDirectClub, LLC ("SDC"). In

**DECLARATION OF JEFFREY SULITZER IN SUPPORT OF DEFENDANTS' OPPOSITION TO MOTION
TO DEMAND**

1 that capacity I have personal knowledge of the facts contained herein and if called upon to
2 testify, I could and would competently do so.

3 2. I make this affirmation in support of Defendants' Opposition to Plaintiff's Motion
4 to Remand ("Opposition"), filed contemporaneously herewith. Capitalized terms used, but
5 not otherwise defined herein, have the meanings ascribed to them in the Opposition.

6 3. I maintain a residence in Woodland, Washington. I intend to remain in Washington
7 indefinitely.

8 4. My spouse lives with me at my Woodland, Washington residence.

9 5. I own property in Washington, including my primary residence.

10 6. I pay taxes as a Washington resident, and I am registered to vote in Washington.

11 7. I have a Washington driver's license.

12 8. All of the automobiles that I own are registered in Washington.

13 9. I maintain brokerage and bank accounts in Washington.

14 10. While I am employed by SmileDirectClub, LLC, I do not work out of
15 SmileDirectClub, LLC's main offices in Nashville, Tennessee. Instead, I work remotely
16 from my home in Washington.

17 11. I am a member of the Washington State Dental Association.


18 12. SmileDirectClub, Inc.'s headquarters are in Nashville, Tennessee. The
19 corporation's officers direct and control the corporation from its Nashville headquarters,
20 where it conducts board meetings.

21 13. Attached hereto as Exhibit 1 is a true and correct copy of [https://](https://smiledirectclub.com/blog/how-much-does-smiledirectclub-cost/)
22 smiledirectclub.com/blog/how-much-does-smiledirectclub-cost/ as it appeared on February
23 28, 2022. As indicated by the website, the price for treatment through SmileDirectClub's
24 telehealth platform ranges from \$1,950 to \$2,386.

25 14. In January 2018, Defendants offered certain potential customers a promotional
26 price of \$850, or fifty percent off the then-current price of \$1,700, for clear-aligner
27 treatment through SmileDirectClub's telehealth platform. The promotional \$850 price is

1 the lowest price charged for treatment through SmileDirectClub's telehealth platform since
2 December 3, 2017.
3
4

5 DATE: February 28, 2022


Jeffrey Sulitzer